

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

MARIA CARMELINA TAMAY LAZO, *individually and
on behalf of others similarly situated,*

Plaintiff,

- against -

KIM'S NAILS AT YORK AVENUE, INC. (d/b/a KIM'S
NAIL SALON), VERA NAIL & SALON, INC. (d/b/a
KIM'S NAIL SALON), MARGARET KIM and JUNG
IM KIM,

Defendants.

Case No.: 17-cv-03302

ANSWER

Defendants Kim's Nails at York Avenue, Inc. and Jung Im Kim ("Defendants"), by and through their attorneys, Jung & Associates, P.C., as and for her answer to Plaintiff's Complaint, state as follows:

1. Defendants deny allegations in Paragraphs 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 12, 13, 14, 20, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 36, 38, 39, 41, 43, 44, 45, 47, 48, 49, 50, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 69, 70, 71, 72, 73, 74, 75, 76 and 78 of the Complaint.
2. Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraphs 11, 15, 16, 17, 18, 21, 34, 35, 37, 40, 42, 68 and 77 of the Complaint, and respectfully refer all questions of law to the Court.
3. Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraphs 19, 46, 51, 52 and 79 of the Complaint.

FIRST CAUSE OF ACTION

4. Defendants deny allegations in Paragraphs 84, 85 and 86 of the Complaint.

5. Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 81, 82 and 83 of the Complaint, and respectfully refer all questions of law to the Court.

SECOND CAUSE OF ACTION

6. Defendants deny allegations in Paragraphs 88, 91, 92 and 93 of the Complaint.
7. Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 89 and 90 of the Complaint, and respectfully refer all questions of law to the Court.

THIRD CAUSE OF ACTION

8. Defendants deny allegations in Paragraphs 95, 96, 97 and 98 of the Complaint.

FOURTH CAUSE OF ACTION

9. Defendants deny allegations in Paragraphs 100, 101 and 102 of the Complaint.

FIFTH CAUSE OF ACTION

10. Defendants deny allegations in Paragraph 104, 105 and 106 of the Complaint.

SIXTH CAUSE OF ACTION

11. Defendants deny allegations in Paragraph 108 and 109 of the Complaint.

SEVENTH CAUSE OF ACTION

12. Defendants deny allegations in Paragraph 111 and 112 of the Complaint.

EIGHTH CAUSE OF ACTION

13. Defendants deny allegations in Paragraph 114 and 115 of the Complaint.

FIRST AFFIRMATIVE DEFENSE

14. Plaintiff fails to state a claim upon which relief can be granted.

SECOND AFFIRMATIVE DEFENSE

15. The Court does not have personal jurisdiction over Defendants.

THIRD AFFIRMATIVE DEFENSE

16. The Court does not have subject matter jurisdiction over Defendants.

FOURTH AFFIRMATIVE DEFENSE

17. The service to Defendants was improper.

FIFTH AFFIRMATIVE DEFENSE

18. Documentary Evidence shows that Defendants cannot be parties of this action.

SIXTH AFFIRMATIVE DEFENSE

19. All Defendants in this case cannot be parties to this case because they did not own and operate Kim's Nail Salon located at 1488 York Avenue, New York, NY 10075 from June 2015 to April 2017.

SEVENTH AFFIRMATIVE DEFENSE

20. Plaintiff has failed to join all parties necessary for a proper determination of the issues in this action.

EIGHTH AFFIRMATIVE DEFENSE

21. Defendants reserve the right to assert additional defenses.

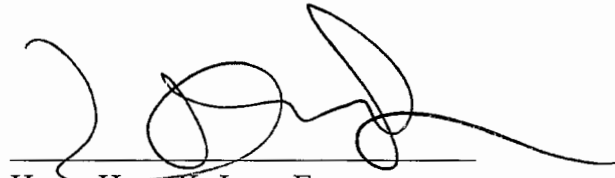
RELIEF REQUESTED

WHEREFORE, Defendants respectfully request the following relief:

1. A judgment in favor of Defendants denying all of Plaintiff's relief requested in its Complaint in this action and dismissing Plaintiff's Complaint with prejudice;
2. That Defendants be awarded their costs of suit, including reasonable attorney's fees, and;
3. That the Court award Defendants such other and further relief as the Court deems just and proper.

Dated: June 7, 2017
New York, New York

Respectfully submitted,

A handwritten signature in black ink, consisting of a series of loops and a long horizontal stroke extending to the right.

Henry Hong K. Jung, Esq.

Jung & Associates, PC

*Attorneys for Defendants Kim's Nails at York
Avenue, Inc. and Jung Im Kim*

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